

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
EASTERN DIVISION

KAMAL K. PATEL
REG #56496-080

PLAINTIFF

V.

NO. 2:06CV00074 JLH

UNITED STATES DEPARTMENT
OF JUSTICE, et al

DEFENDANTS

ORDER

On March 20, 2006, Plaintiff, a federal prisoner proceeding pro se and currently confined to the Federal Correctional Institution in Forrest City, Arkansas, filed this Bivens action¹ pursuant to 28 U.S.C. § 1331 (docket entry #2). He also filed an application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915 (docket entry #1); however, because his case must be dismissed, in forma pauperis status will not be addressed.

A review of Plaintiff's complaint indicates that the current case is at least partially connected to his currently pending case of Patel v. U.S.A., et al. (Case No. 4:04CV00771). Specifically, the first two of the four claims alleged herein are identical to those currently pending in Case No. 4:04CV00771. In the instant case Plaintiff alleges claims for: (1) the denial of adequate medical care and transfer to an appropriate prison medical facility; (2) violation of the Privacy Act and his First Amendment rights in connection with the creation of a memo that described his communications with The Dallas Morning News; (3) denial of his pre-sentence investigation report in violation of the Administrative Procedures Act

¹ Because Plaintiff is a federal inmate alleging constitutional violations against federal defendants, his claims are brought pursuant to Bivens v. Six Unknown Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971), which established that the victims of constitutional violations by federal agents have a right to recover damages against the official in federal court, just as 42 U.S.C. § 1983 provides redress for constitutional violations by state officials.

and his due process rights; and (4) the denial of due process in connection with placing inmates in the "hole."

For these reasons, the present complaint is DISMISSED WITHOUT PREJUDICE to Plaintiff's filing a motion for leave to amend in Case No. 4:04CV00771 to incorporate the additional facts alleged herein.

The Clerk of the Court is directed to provide Plaintiff with a copy of docket entry #2, including all attachments.

IT IS SO ORDERED this 29th day of March, 2006.


UNITED STATES DISTRICT JUDGE